

CONSTITUTION OF THE ST GEORGE DISTRICT ATHLETIC CLUB INC
Incorporated 1992
Successor to St. George District Amateur Athletic Club Founded in 1921

PART 1 – PRELIMINARY

1. NAME

The name of the club shall be the St George District Athletic Club Inc.

2. DEFINITIONS

In these rules, the following definitions apply:

‘the **Club**’ means the St George District Athletic Club Inc., incorporated under the Act.

Director-General means the Director-General of the Office of Fair Trading.

‘the **ordinary member**’ means a member of the committee who is not an office-bearer of the club as referred to in rule 21 (b)(ii).

‘**secretary**’ means:

- (a) the person holding office under these rules as secretary of the club, or
- (b) If no such person holds that office – the public officer of the club.

‘**treasurer**’ means the Honorary Treasurer of the Club.

‘**committee**’ means the Executive Committee of the Club.

‘**special general meeting**’ means a general meeting of the club other than the annual general meeting.

‘**the Act**’ means the Associations Incorporation Act 1984.

‘**the Regulation**’ means the Associations Incorporation Regulation 1999.

In these rules:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.
- (c) The provisions of the Interpretation Act 1987 apply to, and in respect of these rules, in the same manner as those provisions would so apply if these rules were an instrument made under the Act.
- (d) Except insofar as the context or subject matter otherwise indicates or requires, words or expressions defined in the Act or the Regulation, carry the same meaning in these rules.

3. OBJECTS

The objects of the club shall be to encourage and promote athletics in accordance with the laws and rules of Athletics NSW Ltd.

4. POWERS

- (1) To promote and manage athletic sports meetings which may from time to time be considered expedient.
- (2) To act alone or with any other body or representative bodies in the interests of sport and in particular athletics.
- (3) To select, appoint, finance and control individuals and teams of athletes to represent the club as may be deemed necessary.
- (4) To make such by-laws for the administration of the club as comply with the provisions of these rules.
- (5) To obtain by purchase, lease, hire or otherwise, property both real and personal, for the holding of athletic meetings and events; and for training purposes and otherwise for the use, or promotion of, athletics; and to lay down, provide or maintain such tracks or other facilities as may be deemed necessary.

5. CLUB COLOURS

- (1) The colours of the club shall be red and white.
- (2) The competition uniform shall be red running shorts or briefs and a red and white singlet or top (with red and white vertical stripes of equal width measuring from 3.5cm to 5.5cm). A one piece uniform may be permitted provided that the format is the same as above.
- (3) The Club track suit shall be red and white in colour. A St George and Dragon logo may be worn on the left breast of the track suit.

PART 2 – MEMBERSHIP

6. MEMBERSHIP QUALIFICATIONS

- (1) A person is qualified to be a member of the club if, and only if [that person is](#) -
 - (a) a person referred to in Section 15 (1)(a) of the Act and has not ceased to be a member of the club at any time after incorporation of the club under the Act, or
 - (b) a person who has nominated for membership of the club on the required form and has been approved for membership of the club by the committee of the club.
- (2) All members shall be designated as Club members, and classed as follows -
 - (a) officials and non-competing members;
 - (b) Club members registered with Athletics NSW Ltd., and
 - (c) life members.

7. LIFE MEMBERSHIP

- (1) Whilst length of service shall not in itself confer a right, before a member can be granted life membership, in most cases, he or she must have given outstanding and continuous service for a minimum period of fifteen (15) years. However, if a member has occupied any of the positions of President, Secretary, Treasurer, Track Secretary or Distance Secretary for a minimum of five (5) years, and has given outstanding and continuous service during this period, then the minimum qualifying period of 15 years shall be waived.

Life Membership may be awarded at a general meeting for which notice of the intended motion for the award has been given. The motion must be carried by three quarters majority of those present and voting.

- (2) Voting rights for life members are as set out in Rule 31 (6).

8. SERVICE MERIT AWARD

Whilst length of service shall not in itself confer a right, before a member can be granted a Service Merit Award, he or she must have given active, continuous and distinguished service to the Club for a period of seven (7) years.

A member may be awarded a Service Merit Award at a general meeting of which written notice of the intended motion for the award has been given. The motion must be carried by a three quarters majority of those present and voting.

9.1 NOMINATION FOR MEMBERSHIP AS AN OFFICIAL OR NON-COMPETING MEMBER

- (1) A nomination of a person as an official or non-competing member -
- (a) must be made in writing in the form set out in Appendix 1 to these rules, and
 - (b) must be lodged with the secretary of the club
- (2) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.
- (3) As soon as practicable after the committee makes that determination, the secretary must -
- (a) notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable), and
 - (b) if the committee approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member as annual subscription.
- (4) The secretary must, on payment by the nominee of the amounts referred to in clause (3) (b) within the period referred to in that provision, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the club.

9.2 NOMINATION FOR MEMBERSHIP AS A CLUB MEMBER REGISTERED WITH ATHLETICS NSW LTD

- (1) A nomination of a person as a Club member registered with Athletics NSW Ltd. -
- (a) must be made in writing in the form as prescribed by Athletics NSW Ltd., and

(b) must be lodged with the secretary of the club

(2) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.

(3) As soon as practicable after the committee makes that determination, the secretary must -

(a) notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable), and

(b) if the committee approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member as annual subscription.

(4) The secretary must, on payment by the nominee of the amounts referred to in clause (3) (b) within the period referred to in that provision, enter the nominee's name in the register of members and, on the name being so entered, the nominee becomes a member of the club.

10. CESSATION OF MEMBERSHIP

A person ceases to be a member of the club if the person -

- (a) dies;
- (b) resigns membership;
- (c) remains unfinancial for a period of three months November 5, 2006 from the commencement of the financial year; or
- (d) is expelled from the club

11. MEMBERSHIP ENTITLEMENTS NOT TRANSFERABLE

A right, privilege or obligation which a person has by reason of being a member of the club -

- (a) is not capable of being transferred or transmitted to another person; and
- (b) is terminated upon cessation of the person's membership.

12. RESIGNATION OF MEMBERSHIP

- (1) A member of the club is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the club who has paid all amounts payable by the member to the club in respect of the member's membership may resign from membership of the club by first giving to the secretary written notice of at least one month (or such other period as the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.

- (3) If a member of the club ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.
- (4) If a member of the club ceases to be a member under rule 10, any amount owing to the club at that time shall remain a debt and may be actionable for recovery.

13. REGISTER OF MEMBERS

- (1) The secretary of the club (or secretary's delegate) must establish and maintain a register of members of the club, specifying the name and address of each person who is a member of the club together with date on which the person became a member.
- (2) The register of members must be kept at the principal place of administration of the club and shall be open for inspection, free of charge, by any member of the club at any reasonable hour.

14. FEES/SUBSCRIPTIONS

- (1) A member of the club must, on admission to membership, pay to the club a fee as determined by the Executive committee.
- (2) In addition to any amount payable by the member under clause (1), a member of the club shall pay to the club an annual membership fee (except Life Members). Members shall pay such fees as are determined by the club at a general meeting.

15. MEMBERS' LIABILITIES

The liability of a member of the club to contribute towards the payment of debts and liabilities of the club or the costs, charges and expenses of the winding up of the club is limited to the amount, if any, unpaid by the member in respect of membership of the club as required by rule 14.

16. WINDING UP OF CLUB

In the event of the Club being wound up, all assets, including equipment and investments are to be transferred to Athletics NSW, to be held in trust by Athletics NSW until St George District Athletic Club is reformed, whereupon such assets are to be transferred back to the Club. This section shall not apply if the Club merges with another Club to form a Club of a different name.

17. RESOLUTION OF INTERNAL DISPUTES

- (1) Disputes between members (in their capacity as members) of the club, and disputes between members and the club, are to be referred to a community justice centre for mediation in accordance with the Community Justice Centres Act 1983.
- (2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

18. DISCIPLINING OF MEMBERS

- (1) A complaint may be made to the committee by any person that a member of the club:
 - (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the club,
- (2) On receiving such a complaint, the committee -
 - (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.

- (3) The committee may, by resolution, expel or suspend the member from membership of the club if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- (4) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, advise the member in writing of the committee's action and its reasons for having taken such action and of the member's right of appeal under rule 19.
- (5) The expulsion or suspension does not take effect -
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned; or
 - (b) if within that period the member exercises the right of appeal, unless and until the club confirms the resolution under rule 19 (5);
 whichever is later.
- (6) Notification of the expulsion or suspension, and the reasons for taking such action, must be given to Athletics NSW Ltd as soon as the date referred to in clause (5) occurs.

19. RIGHT OF APPEAL OF DISCIPLINED MEMBER

- (1) A member may appeal to the club in a general meeting against a resolution of the committee which is confirmed under rule 18 within seven (7) days after notice of the resolution is served on the member by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under clause (1), the secretary must notify the committee which shall convene a general meeting of the club to be held within twenty-eight (28) days after the date on which the secretary received the notice.
- (4) At a general meeting of the club convened under clause (3) -
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present shall vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) If at the general meeting the club passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

PART 3 – THE COMMITTEE

20. POWERS OF THE COMMITTEE

The committee, subject to the Act, the Regulation, these rules, and any resolution passed by the club in general meeting:

- (a) is to control and manage the affairs of the club;
- (b) may exercise all such functions as may be exercised by the club other than those functions that are required by these rules to be exercised by a general meeting of the members of the club; and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the correct management of the affairs of the club.

21. CONSTITUTION AND MEMBERSHIP

- (a) The office-bearers of the club shall be:
 - (i) the patron
 - (ii) the president
 - (iii) three (3) vice presidents
 - (iv) the general secretary, and
 - (v) the treasurer
 - (vi) the track secretary
 - (vii) the distance secretary
 - (viii) non-elected honorary members, including local council and parliamentary representatives
- (b) The committee shall consist of 12 members
 - (i) the president, the general secretary, the treasurer, the track secretary, the distance secretary, and
 - (ii) a minimum of seven (7) ordinary members, each of whom shall be elected at the annual general meeting of the club.
- (c) Additional positions including publicity officer, recorders, handicappers, delegates and child protection officer are to be elected by the committee.
- (d) Each member of the committee shall, subject to these rules, hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (e) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the club to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.
- (f) The quorum for committee meetings shall be six (6).

PART 4 – GENERAL MEETINGS

22. ANNUAL GENERAL MEETINGS – HOLDING OF

- (1) The club shall, at least once in each calendar year and within the period of three (3) months after the expiration of each financial year of the club, convene an annual general meeting of its members.

- (2) Fifteen (15) members present in person (being members entitled to vote) constitute a quorum for the transaction of business of an Annual General Meeting.

23. ANNUAL GENERAL MEETINGS - CALLING OF AND BUSINESS

- (1) The annual general meeting of the club shall, subject to the Act and to rule 22, be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;
 - (b) to receive from the committee reports upon the activities of the club during the last preceding financial year;
 - (c) to elect office –bearers of the club and ordinary members of the committee;
 - (d) to receive and consider the statement which is required to be submitted to members under section 26 (6) of the Act;
 - (e) to present awards.

24 SPECIAL GENERAL MEETINGS - CALLING OF

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the club.
- (2) The committee shall, on the requisition in writing of not less than twenty five (25) per cent of the total number of members, convene a special general meeting of the club.
- (3) A requisition of members for a special general meeting:
 - (a) shall state the purpose or purposes of the meeting,
 - (b) shall be signed by the members making the requisitions,
 - (c) shall be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within one (1) month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition, may convene a special general meeting to be held no later than three (3) months after that date.
- (5) A special general meeting convened by a member or members as referred to in rule 24(4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee, and any member who thereby incurs expense, is entitled to be reimbursed by the club for any expense so incurred.

25. NOTICE OF GENERAL MEETINGS

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the club, the secretary shall, at least fourteen (14) days before the date fixed for the holding of the general meeting, either post on the Club's Website or cause to be sent by prepaid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting, and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the club, the secretary shall, at least twenty-one (21) days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner prescribed in rule 25(1) specifying in addition to the matter required under rule 25(1), the intention to propose the resolution as a special resolution.
- (3) No business, other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to rule 23 (2).
- (4) A member desiring to bring any business before a general meeting shall give notice in writing of that business to the secretary, who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

26. PROCEDURE OF SPECIAL GENERAL MEETINGS

- (1) No item of business shall be transacted at a special general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Nine (9) members present in person (being members entitled under these rules to vote at a special general meeting) constitute a quorum for the transaction of the business of a special general meeting.
- (3) If within half an hour after the appointed time for the commencement of a special general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members, is to be dissolved, or
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

27. PRESIDING MEMBER

- (1) The president or, in the president's absence or unwillingness to act, one of the vice-presidents shall preside as chairperson at each general meeting of the club.
- (2) If the president and vice-presidents are absent or unwilling to act, the members present must elect one of their number to preside as chairperson of the meeting.

28. ADJOURNMENT

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of the members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for fourteen (14) days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the club, stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

29. MAKING DECISIONS

- (1) A question arising at a general meeting of the club, such as a demand for a secret ballot, shall be determined on a show of hands. The Chairperson can declare a resolution for a secret ballot carried or lost, without having to count the show of hands, or record the proportion of those voting for or against the resolution in the minutes.
- (2) At a general meeting of the club, a secret ballot may be demanded by the chairperson or by not less than three (3) members present in person at the meeting.
- (3) Where a secret ballot is demanded at a general meeting, the poll must be taken –
 - (a) immediately in the case of a secret ballot which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs, and the resolution of the ballot on the matter is taken to be the resolution of the meeting on that matter.

30 SPECIAL RESOLUTION

A resolution of the club is a special resolution if –

- (1) It is passed by a majority which comprises not less than three-quarters of such members of the club as, being entitled under these rules to do so, vote in person or by proxy at a general meeting of which at least twenty-one (21) days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or
- (2) It is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (1), if the resolution is passed in a manner specified by the Director –General.

31 VOTING

- (1) On any question arising at a general meeting of the club, a member has one vote only.
- (2) All votes must be given personally or, in respect of any issue listed on the agenda of a general meeting, by written proxy, but no member may hold more than 5 proxies.
- (3) In the case of equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at any general meeting of the club unless all money due and payable by the member to the club has been paid, other than the amount of the annual subscription payable in respect of the then current year.
- (5) Members aged eighteen (18) years and over shall be entitled to vote at all general meetings. Members under the age of eighteen (18) years shall be entitled to vote only on matters affecting members under the age of 18.
- (6) Life members are entitled to vote.

32. APPOINTMENT OF PROXIES

- (1) Each member is entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

PART 5 – MISCELLANEOUS

33. INSURANCE

- (1) The club shall effect and maintain insurances pursuant to section 44 of the Act.
- (2) In addition to the insurance required under clause (1), the club may effect and maintain other insurances.

34. FUNDS – SOURCE

- (1) The funds of the club shall be derived from the entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the club in general meeting, such other sources as the committee determines.
- (2) All money received by the club shall be deposited as soon as practicable to the credit of the club's bank account.
- (3) The committee shall ensure that correct accounting procedures are adopted in relation to money received.

35. FUNDS MANAGEMENT

- (1) Subject to any resolution passed by the club in general meeting, the funds of the club shall be used in pursuance of the objects of the club in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the president, secretary, treasurer, or ordinary members of the committee being members authorised to do so by the committee.
- (3) The financial year of the club shall end on 31 March each year.

36. ALTERATION OF OBJECTS AND RULES

- (1) The statement of objects and the rules and /or by-laws may be altered, rescinded or added to only by a special resolution of the club.
- (2) Any amendment is subject to the approval of Athletics NSW Ltd., who shall be notified within fourteen (14) days of the date of the passing thereof. The amendment does not become effective until the approval of Athletics NSW Ltd., has been advised to the club.

37. COMMON SEAL

- (1) The common seal of the club shall be kept in the custody of the secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signature of two (2) members of the committee who are authorised by the committee to sign.

38. CUSTODY OF BOOKS ETC.

The secretary is responsible for the custody and control of all records, books and other documents relating to the club, except as otherwise provided by these rules.

39. INSPECTION OF BOOKS

The records, books and other documents of the club must be open to inspection, free of charge, by a member of the club at any reasonable hour.

40. AUDIT

At least once a year the accounts of the club shall be examined and the correctness of the Financial Statement and Balance Sheet ascertained by an honorary auditor appointed at the Annual Meeting.

41. SERVICES OF NOTICES

- (1) For the purpose of these rules, a notice may be served by or on behalf of the club on any member either personally or by sending it by post to the member at the member's address shown in the register of members.
- (2) If a document is sent to a person by properly addressing, prepaying and posting a letter containing the document, the document is, unless the contrary is proved, taken for the purposes of the rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.



St. George District Athletic Club Inc.

Incorporated 1992
Successor to St. George District Amateur Athletic Club Founded 1921
Affiliated to Athletics NSW

President: Albert Thomas (9587 2356)

Secretary: Danielle Ferrero (9567 1475) Treasurer: Dennis Jolliffe (9533 3085)
Membership: Danielle Ferrero 4 Francis Avenue Brighton-Le-Sands NSW 2216

APPLICATION FOR CONSIDERATION OF MEMBERSHIP AS AN OFFICIAL OR NON COMPETING MEMBER

SURNAME GIVEN NAME

RESIDENTIAL ADDRESS.....

..... Post Code.....

TELEPHONE N^o DATE OF BIRTH/...../.....

HAVE YOU EVER BEEN A MEMBER OF AN ATHLETIC CLUB?..... YES/NO

IF SO, NAME OF CLUB

DETAILS OF OFFICIAL POSITIONS HELD IN SIMILAR CLUBS / ORGANISATIONS

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Declaration: If you wish to apply for membership of St. George District Athletic Club Inc., please complete this section:

"I am aware that I am ineligible to apply for membership of St. George District Athletic Club Inc. if I have been convicted of a "serious sex offence" as defined in the Child Protection (Prohibited Employment) Act 1998 or if I am a "Registrable Person" under the Child Protection (Offenders Registration) Act 2000. I declare that I am not a person prohibited by the Act from seeking, undertaking, or remaining in child-related employment"

SIGNATURE OF APPLICANT..... DATE/...../.....

Signature of Secretary: DATE/...../.....

Date forwarded to committee:/...../.....

Date approved by committee:/...../.....

**NOTICE APPOINTING A PROXY FOR A GENERAL MEETING OF
ST. GEORGE DISTRICT ATHLETIC CLUB INC.**

Date of General Meeting :/...../.....

Issue to be discussed at the General Meeting :

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.....
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Name of member who will be absent from the meeting:

Signature of member who will be absent from the meeting:

Name of member to be appointed as proxy: